

HARRIS BEACH PLLC
ATTORNEYS AT LAW

November 5, 2021

VIA ECF

Hon. Katherine Polk Failla
U.S. District Court for the Southern District of New York
United States Courthouse
500 Pearl Street, Courtroom 14A
New York, NY 10007

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MEMO ENDORSED

Re: *The Brooklyn Branch of the National Association for the Advancement of Colored People v. Peter S. Kosinski, et al.*, Case No. 1:21-cv-07667-KPF
Joint Request for Extension of Deadline to Respond to Complaint and
Adjournment of Initial Conference

Dear Judge Failla:

This office represents Defendants, Peter S. Kosinski, Douglas A. Kellner, Andrew J. Spano, Andrew J. Casale, Todd D. Valentine, and Robert A. Brehm (collectively, the “State Board of Elections Defendants”) in this matter. I write jointly on behalf of all parties.

The parties have recently begun discussing the claims at issue in this action. Without waiving any of the claims and defenses in this action, the parties are interested in pursuing continued discussions to determine if this matter can be resolved. To enable the parties to engage in such discussions, the parties request an extension of the deadline for Defendants to answer or otherwise respond to the Complaint for 60 days until January 14, 2022. For the same reason, the parties additionally request that the pre-trial conference currently scheduled for December 3, 2021 be adjourned until after the extended deadline for Defendants to respond to the Complaint.

Pursuant to the Court’s Individual Practices, the parties state that the Defendants’ deadline to answer was previously extended once by the Court, from October 14, 2021 until November 14, 2021, to allow the State Board of Elections Defendants to retain outside counsel (ECF No. 11). The Court granted the same extension of time to the City Board of Elections Defendants (ECF No. 14).

If the foregoing is acceptable to the Court, the parties request that the Court “So Order” this letter. Thank you for your consideration of this matter.

Respectfully submitted,

/s/ Elliot A. Hallak

Elliot A. Hallak

cc. Counsel of record (via ECF)

Application GRANTED. Further, the conference scheduled for December 3, 2021 is hereby ADJOURNED to January 27, 2022, at 12:00 p.m.

The Clerk of Court is directed to terminate the pending motion at docket number 24.

Dated: November 5, 2021
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE